



**Town of Grafton
Zoning Board of Appeals
30 Providence Road
Grafton, MA. 01519**

**508-839-5335 x 1157 - Fax: 508-839-4602
E-mail: koshivosk@grafton-ma.gov**

Zoning Board of Appeals

Legal Notice

The Grafton Board of Appeals has received a petition from **ERIKA WENNERSTROM**
For **25 OAK STREET** requesting that the Zoning Board of Appeals grant a

Variance

to allow: **CONSTRUCTION OF AN 16' X 40' INGROUND SWIMMING POOL, AT SFD IN A RMF ZONE, WHERE A 30' SIDE SETBACK IS REQUIRED AND THE POOL WOULD BE 26' OFF THE SIDE SETBACK. LOOKING FOR 4' OF RELIEF.**

Map: 65 Lot: 3 Block: 000

The Board will conduct a Public Hearing on Thursday, February 10, 2022 at 7:00 PM via ZOOM conference to consider this request and/or to take whatever action is necessary, including the granting of a finding, special permit, variance, or other necessary relief allowed under the Zoning By-Law.

Copies of this application and plan are available for public inspection on the Town of Grafton website at www.grafton-ma.gov on the Zoning Board of Appeals 40A page. Pursuant to Governor Baker's March 2020 Stay at Home Advisory, this meeting will be conducted via remote participation. Please see <https://www.grafton-ma.gov/zoning-board-appeals/pages/40a-applications>.

The February 10, 2022 meeting may be accessed via either of the following means:

- Grafton Government Cable Access – Channel 192 on Charter or Channel 34 on Verizon
- Via Zoom conferencing: <https://zoom.us/j/82117461386>
- Passcode: 225621
- Dial by your location: +1 646 558 8656 US (New York)

ZONING BOARD OF APPEALS

Brian Waller, Chairman

Marianne Desrosiers, Vice Chairman

Kay Reed, Clerk

William Yeomans William McCusker

Peter Adams, Alternate Mitali Biswas, Alternate

Case Number #881 THE GRAFTON NEWS
Thursday, January 27, 2022 and February 3, 2022

RECEIVED TOWN CLERK
GRAFTON, MA
2022 JAN 19 AM 8:51



**Town of Grafton
Zoning Board of Appeals
30 Providence Road
Grafton, MA. 01519**

508-839-5335 x 1154 - Fax: 508-839-4602

E-mail: koshivosk@graffton-ma.gov

Website: www.graffton-ma.gov

Zoning Board of Appeals

New Case Notice

Case Number #

2022 / 881

RECEIVED TOWN CLERK
GRAFTON, MA
2022 JAN 19 AM 8:54

The Grafton Board of Appeals has received a petition from **ERIKA WENNERSTROM**
for **25 OAK STREET** requesting that the Zoning Board of Appeals grant a

Variance

to allow: CONSTRUCTION OF AN 16' X 40' INGROUND SWIMMING POOL, AT A SFD IN A RMF ZONE,
WHERE A 30' SIDE SETBACK IS REQUIRED AND THE POOL WOULD BE 26' OFF THE SIDE
SETBACK. LOOKING FOR 4' OF RELIEF.

Map: 65 Lot: 3 Block: 0000

The Board will conduct a Public Hearing on **Thursday, February 10, 2022** at **7:00 PM** in Conference
Room A, at the Municipal Center, 30 Providence Road, Grafton, MA 01519 to consider this request.

ZONING BOARD OF APPEALS

Brian Waller, Chairman

Marianne Desrosiers, Vice Chairman

Kay Reed, Clerk

William Yeomans, Member

William McCusker Member

Peter Adams, Alternate

Mitali Biswas, Alternate

RECEIVED TOWN CLERK
GRAFTON, MA
2022 JAN 10 PM 2:21

**PETITION TO THE ZONING BOARD OF APPEALS
TOWN OF GRAFTON, MASSACHUSETTS**

DATE: 1/10/2022

I/We hereby petition your Board to conduct a public hearing and consider the granting of relief from under hardship resulting from literal enforcement of the protective Zoning Bylaw, by exercising your power to:

(Mark one)

- Review refusal of Selectman or others to grant a permit
- Grant a **VARIANCE** from the terms of the Zoning Bylaw, SECTION 3.2.32.
- Grant a **SPECIAL PERMIT** for a specific use which is subject to the approval of your Board.

FOR LAND/BUILDINGS AT 25 oak Street

TO ALLOW:

Construction of an inground swimming pool sized 16' x 40' at a single family dwelling in a residential / multifamily zone. Looking for 4' of relief from setback requirements on both the left and right sides.

Please complete this **entire** section:

Location of property: Tax Plan # 65 Plot # ~~100~~ 3
 Zoning District in which the property is located: RMF
 Title of Property in name of: ERIKA WENNERSTROM
 Whose address is: 25 oak Street, Grafton MA 01519
 Deed recorded in Book # 53524, Page # 106
 Plan Book # _____, Plan # _____
 Signature of Petitioner: [Signature]
 Print Name ERIKA WEN
 Address of Petitioner: 25 oak Street Grafton MA 01519
 Phone Number of Petitioner: 617-388-2704

RECEIVED
 JAN 10 2022
 Zoning Board of Appeals



TOWN OF GRAFTON
 GRAFTON MEMORIAL MUNICIPAL CENTER
 30 PROVIDENCE ROAD
 GRAFTON, MASSACHUSETTS 01519
 (508) 839-5335 ext 170 • FAX: (508) 839-4602
 www.town.grafton.ma.us

TREASURER / COLLECTOR

Certificate of Good Standing

Applicants seeking permits with the Town of Grafton must submit this completed form at the time of application. When all obligations are paid to date, you must attach this "Certificate of Good Standing" with your application. Delinquent bills must be paid in full before the appropriate department accepts your application. Please make arrangements to pay these outstanding bills at the Collector's Office.

Please note: it can take up to three (3) business days to process each request.

Please check all that apply and indicate if permit(s) have been issued.

	Permit Issued?			Permit Issued?	
	Yes	No		Yes	No
<input type="checkbox"/> Building - Inspection(s)	___	___	<input type="checkbox"/> Septic System	___	___
<input type="checkbox"/> Building - Electric	___	___	<input type="checkbox"/> Conservation	___	___
<input type="checkbox"/> Building - Plumbing	___	___	<input type="checkbox"/> Planning	___	___
<input type="checkbox"/> Board of Health	___	___	<input type="checkbox"/> Other	___	___

Other Permit: _____

Erika Wenneerstrom
 Petitioner Name
25 Oak Street
 Petitioner Address
Grafton MA 01519
 City, State, Zip
617 388 2704
 Phone

Erika Wenneerstrom
 Property Owner / Applicant
25 Oak Street
 Property Address
Grafton, MA
 City, State, Zip

Date:	Current	Delinquent	N/A
Real Estate			
Personal Property			
Motor Vehicle Excise			
Disposal			
General Billing			

[Signature]
 Treasurer / Collector Signature
1/18/2022
 Date

Fwd: 25 Oak Street Grafton pool

1 message

Erika A. Wennerstrom <ewenners@gmail.com>
To: Katrina Koshivos <koshivosk@grafton-ma.gov>

Wed, Jan 12, 2022 at 2:42 PM

Any chance this email would suffice? If you need something more formal, I will draft something and ask Eddie and/or the landscaper to sign.

----- Forwarded message -----

From: Eddie Snyder <ej3@snyderpools.com>
Date: Wed, Jan 12, 2022 at 12:19 PM
Subject: Re: 25 Oak Street Grafton pool
To: Erika A. Wennerstrom <ewenners@gmail.com>
Cc: Eddie <snyder.eddie@yahoo.com>

Yes we could fit the pool running it the long way to the property. However as you suggested, the grade will cause the need for large and possibly multiple walls to retain the grade difference.

I would tell the town office the cost to build the pool with out the variance would cause a hardship.

Best,

Eddie Snyder
Snyder Pools Inc.
50 Narrows Rd
Westminster Ma. 01473
ej3@snyderpools.com
9784073320 cell
9788742333 office

RECEIVED
JAN 18 2022
Zoning Board of Appeals

> On Jan 10, 2022, at 1:16 PM, Erika A. Wennerstrom <ewenners@gmail.com> wrote:

>

>

> Hi Eddie!

>

> I just left you a long vm, but am following up here in case email is easier for you.

>

> I just handed off an application for a zoning variance to the woman at the ZBA, but she wanted me to run something by you before she stamps it in. She said that if we changed the orientation of the pool so the 40' side ran back to front and not side to side, we could get a permit without needing a variance. I realize that this would put it very close to the deck, and may make working with the grade harder, but I wanted to get your thoughts on this.

>

> She's off on vacation after today so if you get a moment to weigh in soon on whether this sounds like a good idea, or if we should push forward with the variance, I'd appreciate it. Thanks so much!!

>

> Erika

**ZONING BOARD OF APPEALS
TOWN OF GRAFTON, MASSACHUSETTS
APPLICATION FOR VARIANCE/SPECIAL PERMIT
INFORMATION FOR PETITIONERS**

1.) BASIS FOR APPEALS:

An appeal to the Board of Appeals may be taken by a person aggrieved by reason of his/her inability to obtain a permit from any administrative official under the provisions of Chapter 40A as amended by Chapter 808 of the General Laws, or by any officer of board of the Town, or by any person aggrieved by any order or decision of the Building Inspector of other administrative official in violation of any provisions of Chapter 40A, or any ordinances of bylaw adopted thereunder, or by any person seeking a Special Permit.

2.) WHEN APPEAL MAY BE TAKEN:

Any appeal of the Board of Appeals must be taken within thirty (30) days from the date of the order or decision being appealed or in the case of a Special Permit, within a reasonable time after written advisement of need for said permit.

3.) HOW APPEALS MAY BE TAKEN:

Any appeal to the Board of Appeals must be made by completing a Form of Appeal, as supplied by the Board, and filing two (2) copies of said form in the Office of the Town Clerk. Accompanying such filing shall include:

- I.** One copy of the Town of Grafton Tax Map(s) showing the subject property, the immediate abutting said property and all parcels next adjoining the land of the immediate abutters. (May be obtained in the office of the Board of Assessors or on-line at the Town of Grafton's web site www.grafton-ma.gov.)
- II.** A certified plot plan of the property, either prepared by an engineer or a registered land surveyor showing the location of buildings or structures to the lot lines including proposed buildings, with their locations on the lot. The names of the owners of abutting property should be shown also.
- III.** Listings of the names and addresses, as they appear on the most recent local list available in the Assessors' Office, of abutters, owners of land within three hundred (300) feet of the property lines. These listings must be certified by the Town Assessors.
- IV.** A Certificate of Good Standing must be signed off by the Treasurer/Collectors office and submitted with the application.
- V.** All applications shall be accompanied by a check, payable to the Town of Grafton in the amount of one hundred sixty five (\$165.00) dollars.

4.) FORM OF APPEALS:

All appeals must be in writing, in duplicate, and signed by the applicant or his attorney. These documents shall be filed in the Office of the Town Clerk of Grafton. One copy is to be sent to the Building Inspector and one copy to the Clerk of the Board of Appeals. A form for Appeal is attached hereto. A site plan of the property involved in the appeal must accompany the appeal.

5.) CONDITIONS TO BE MET FOR GRANTING A VARIANCE/SPECIAL PERMIT:

Before making formal application for a variance/special permit from the Town of Grafton Zoning Bylaws, you, the applicant, must be aware of the conditions that must be met before the Zoning Board of Appeals may act favorably upon your request.

- I. A hardship exists upon your land that requires you to apply for a variance.
Example: A ledge or rock condition exists upon your property which does not allow you to construct within the conformity of the bylaw. Financial hardship, by itself is not a reason for granting a variance.
- II. The condition affecting your property is incidental to that property and not generally affecting other parcels within your zoning district.
- III. A variance may be granted without substantial detriment to the public good.
This is to say, for example, that excess traffic would not result by the granting of the variance, or that the rights of your neighbors would not be infringed upon.
- IV. A variance cannot substantially derogate from the intent and purpose of the bylaw. Varying a front yard setback from 30 – 10 ft. would be, in most instances, substantial derogation from the intent and purpose of the Town of Grafton Zoning Bylaws.

Your presentation before the Board should specifically relate to all four above prerequisites. If in doubt, contact an attorney before filing your appeal. If your appeal were denied then you would have to wait two (2) years before reapplying. It is best to be fully prepared at the time of the hearing.

6.) HEARINGS:

Legal Notices of the hearing will be published in the Grafton News 2 weeks prior to the hearing date. Legal notices will also be sent to the applicant, abutters and to such other persons as the Board deems to be interested parties. The applicant may appear in person or be represented by an attorney. The applicant will be given an opportunity to present witnesses, evidence, and persons appearing in opposition will also be given an opportunity to be heard. No cross-examination of the witnesses will be allowed except at the discretion of the Board. The Board may in its discretion permit arguments at the close of the evidence.

7.) Representation and Appearance before the Board

Applicants for relief must appear at the hearing either in person or by way of an "Authorized Representative". An Authorized Representative means the following:

For Applicants who are Individual Property Owners

Applicants who are individual property owners may allow an engineer, architect, contractor or other person to appear before the Board on their behalf provided that the Individual Property Owner has sent a letter to the Board in advance of the hearing identifying the engineer, architect, contractor or other person as their authorized representative.

For Applicants who are Corporate Property Owners (e.g. corporations and LLCs)

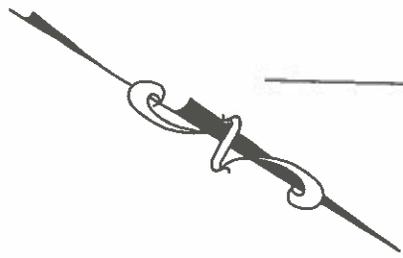
An applicant that is a corporate entity may appear before the Board if it is represented by any of the following:

- 1.) An attorney licensed to practice law in the Commonwealth of Massachusetts.
- 2.) A corporate officer (e.g. President, Treasurer or Clerk) provided that the person purporting to be a corporate officer produces evidence of such executive status in the form of a corporate vote of the board of directors or a copy of corporation's annual report on file with the Massachusetts Secretary of the Commonwealth.
- 3.) A non-executive employee or an engineer, architect, contractor or other person provided that the corporate entity sends a letter to the Board in advance of the hearing designating such non-executive employee, engineer, architect, contractor or other person as the corporate entity's designated agent authorized to act on behalf of the corporate entity. However, all letters from corporate entities must be signed by a corporate officer (e.g. President, Treasurer or Clerk in the case of a corporation or the Manager in the case of a limited liability company).

8.) DECISION:

The applicant will be notified, in writing, of the decision of the Board. The decision will also be mailed to all abutters and interested parties.

**BLACKSTONE VALLEY
MAPPING & CONSULTING**
www.blackstonevalleymapping.com
508-839-5837
blackstone.valley.mapping@gmail.com



N/F BEATON-KESSLER

DH
FND

N12°33'12"W
33.86'

N11°16'39"W
68.97'

DH
FND

PROPOSED FENCE

PROPOSED POOL

AREA = 17,270 SF±

S61°43'48"W
209.20'

9.6'

GARAGE

N/F SOUSA LIVING TRUST

PAVED DRIVE

PORCH

DECK

N/F DOUGLAS

36.9'

#25
2-STORY
HOUSE

9.6'

REBAR
SET

8.8'

S31°27'23"E
79.67'

REBAR
SET

OAK STREET

ZONING: RMF
AREA: 44,000 SF
FRONTAGE: 150'
SETBACKS:
FRONT - 35'
SIDE - 30'
REAR - 50'

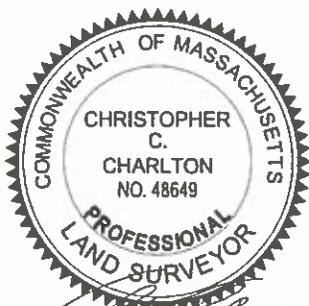
NOTES:

- 1.) THE LOCUS DOES NOT LIE IN A FLOOD HAZARD ZONE. (FIRM #25027C0829E, DATED 07/04/2011)
- 2.) TOWN WATER AND SEWER.

OWNER:
ERIKA A. PECK

REFERENCES:
DEED: BOOK 53524, PAGE 105
PLAN: BOOK 325, PLAN 94

I CERTIFY THAT THIS PLAN WAS CREATED BY AN INSTRUMENT SURVEY ON THE GROUND AND THAT ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.



CHRISTOPHER C. CHARLTON, PLS

CERTIFIED PLOT PLAN

LOCATED AT

25 OAK STREET

ASSESSORS PARCELS # 065.0-0000-0003.0

GRAFTON, MA

WORCESTER COUNTY

CONTINENTAL LAND SURVEY, LLC

105 BEAVER STREET, FRANKLIN, MA

(508) 528 - 2528

SCALE: 1"=30' OCTOBER 25, 2021

REVISED: NOVEMBER 20, 2021

